

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA
(Pittsburgh Division)**

ELLIOTT SCHUCHARDT, individually)
and d/b/a the Schuchardt Law Firm,)
Plaintiff,)
v.) Case No. 2:14-cv-0705-CB
BARACK H. OBAMA, President of the)
United States, *et al.*,)
Defendants.)

)

**DEFENDANTS' MOTION TO DISMISS
PLAINTIFF'S SECOND AMENDED COMPLAINT**

Pursuant to Rule 12 of the Federal Rules of Civil Procedure, Defendants Barack H. Obama, President of the United States; James. R. Clapper, Director of National Intelligence; Admiral Michael S. Rogers, Director of the National Security Agency; and James B. Comey, Director of the Federal Bureau of Investigation; all in their official capacities, respectfully move the Court to dismiss Plaintiff's Second Amended Complaint (ECF No. 19). The Second Amended Complaint should be dismissed under Fed. R. Civ. P. 12(b)(1) for lack of subject-matter jurisdiction, and under Fed. R. Civ. P. 12(b)(6) for failure to state a claim upon which relief can be granted.

The reasons for Defendants' Motion to Dismiss are set forth in the accompanying Brief in Support of Defendants' Motion to Dismiss Plaintiff's Second Amended Complaint. A proposed order is filed herewith.

Dated: December 11, 2014

Respectfully submitted,

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